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Proskauer Rose LLP
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New York, NY 10036

EXAMINER

WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,496

Applicant(s)

YEMINI ET AL.

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed on April 21, 2003, in which claims 1, 9-12 were amended and claims 22-35 added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 and 11-21 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed April 21, 2003 have been fully considered but they are not persuasive.

Applicant argues that Glassman et al. "fails to teach or suggest an additional separate field which would correspond to a third field in Claim 9 wherein a specific resources and a group of resources including the specific resources are identified." Also, Applicant states that it is improper to equate the props field in Glassman et al. to the third field of Applicant's invention because the props field contains properties about the consumer who is accessing the content. However, the examiner disagrees; that is, equating the props field to the third field is appropriate. Notice. Glassman et al. indicate that the props field holds consumer's ages, state of residences, employer etc. Therefore, since the fields store consumer (i.e. "component") information it is obvious and highly possible that the field can also contain data relating to the resources the consumer/component may access.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a process that does nothing more than manipulate an abstract idea. There is no practical application in the technological arts. All that is necessary to make a sequence of operational steps a statutory process within 35 U.S.C. 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of "useful arts." *In re Musgrave*, 431 F.2d 882, 167 USPQ 280 (CCPA 1970). Also, a claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result: i.e. the method recites a step or act of producing something that is concrete, tangible and useful. *See AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 9, 10 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6453305 to Glassman et al.

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Referring to claims 9 and 10, Glassman et al. disclose a first field for indicating a quantity of electronic security value units in said instrument; a second field for indicating a group of one or more resources with which said electronic security value instrument is associated, a third field for indicating a specific resource ins aid group of one or more resources that said particular component may access, wherein said electronic security value instrument is used to control access by components to resources in said group of resources based on prices in electronic security value units established for said resources and the quantities of electronic security value units paid by said components; and a fourth field (i.e. "scrip ID field") providing an identifier of said electronic security value instrument (see col. 5, lines 9-29). Note. Glassman et al. states the props field hold consumer properties, such as the consumer's age, state of residence, employer, etc."; therefore, the examiner presumes that this filed may also include a group of one or more resources with which said electronic security value instrument is associated without altering or departing from the scope of the invention.

Referring to claim 28, Glassman et al. disclose the instrument wherein said electronic security value units indirectly identify said component accessing said resource (see col. 5, lines 9-29). Note. Glassman et al. teach a script that comprise of a customer ID field this field, the examiner presumes that this field may be use to indirectly identify said component accessing said resource.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8, 22-26, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6427140 to Ginter et al.

Referring to claims 1, 22, 25 and 26, Ginter et al. disclose creating a pricing strategy for said resource in a denomination of electronic security value units, said pricing strategy being dynamically adjustable at any time (see col. 47, lines 21-30, 55-67; col. 48, lines 1-9), allocating a budget for one of a component and a group of components of said electronic system to access said resource by payment of said electronic security value units, selectively distributing said electronic security value units to a said component of said electronic system in accordance with said budget; wherein said budget may be dynamically adjusted at any time; wherein budget is allocated on a per component basis(see col. 54, lines 43-47; col. 265, lines 55-67; col. 266, lines 1-19), and controlling access to said resource based on said pricing strategy established for said resource and based on an amount of payment by said component, wherein said payment comprises one or more of said electronic security value units previously distributed to said component based on said budget (see col. 130, lines 39-43; col. 132, lines 11-16; col. 14, lines 49-67; col. 15, lines 1-9). Note. Ginter et al. indirectly teach distributing said electronic security value units to a said component of said electronic system in accordance with said budget; that is, Ginter et al. indicate that the “budget may be specified in dollars, deutsche marks, yen, and/or any other monetary or content measurement schema and/or organization”. Thus, the examiner presumes that “any other monetary” may be electronic security value units, which are utilized by the users of Ginter et al.’s system for making payments. Further, at the time the invention was

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made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Ginter et al. to implicitly disclose distributing said electronic security value units to a said component of said electronic system in accordance with said budget. One of ordinary skill in the art would have been motivated to do this because doing so secures the resources by preventing unauthorized users from access the resource (see col. 3, lines 50-66).

Referring to claim 2, Ginter et al. disclose denying said component access to said resource when said component pays an amount of said electronic security value units less than said price established for said resource (see col. 11, lines 6-14; col. 132, lines 11-16).

Referring to claim 3, Ginter et al. disclose determining whether to distribute any of said electronic security value units to said component (see col. 162, lines 62-67; col. 163, lines 1-11).

Referring to claims 4 and 5, Ginter et al. disclose wherein said step of controlling access is further based on limiting the number of accesses to said resource, by said component, regardless of the amount of said electronic security value units paid by said component and limiting the rate of accesses to said resource by said component (see col. 58, lines 19-35).

Referring to claim 6, Ginter et al. disclose the method wherein said electronic security value units may be used to access a group of one or more resources in said electronic system (see col. 282, lines 30-54).

Referring to claim 7, Ginter et al. disclose the method wherein said price is particular to said component, such that said price is different for other components of said electronic system (see col. 30, lines 66-67; col. 31, lines 1-4).

Referring to claim 8, Ginter et al. disclose the method wherein said electronic system is a network, and said component is a client in said network (see col. 16, lines 20-31).

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Referring to claim 23, the examiner notes that this step is old and well known in the art. It obvious to disclose a method wherein the electronic security value units are unique to said resource; in the conventional electronic transaction system different services/resources are associated with different currencies. For example, if one what to access a temporary license he can use license scrip whereas for purchasing content one can use an electronic-cash. Notice, the license scrip and e-cash are unique to the resources.

Referring to claim 24, Ginter et al. disclose the step wherein said step of selectively distributing said electronic security value units includes the step of distributing one or more of electronic security value instruments, said electronic security value instruments comprising a quantity of said electronic security value units (see col. 266, lines 5-19,46-49).

Referring to claims 31 and 32, Ginter et al. disclose selectively distributing electronic security value units to a component of said electronic system (see col. 265, lines 55-67; col. 266, lines 1-19), controlling access to said interface based on a price in electronic security value units established for said interface and based on an amount of payment by said component, wherein said payment consists of one or more of said electronic security value units previously distributed to said component (see col. 14, lines 49-67; col. 15, lines 1-9; col. 130, liens 39-43; col. 132, lines 11-16), wherein said interface is one of a hardware access point and a software access point; wherein said interface comprises n application program interface (see col. 7, lines 35-44). Note. Ginter et al. indirectly teach distributing said electronic security value units to a said component of said electronic system in accordance with said budget; that is, Ginter et al. indicate that the "budget may be specified in dollars, deutsche marks, yen, and/or any other monetary or content measurement schema and/or organization". Thus, the examiner presumes

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that “any other monetary” may be electronic security value units, which are utilized by the users of Ginter et al.’s system for making payments.

Referring to claims 33-35, Ginter et al. disclose creating a pricing strategy for said resource in a denomination of said electronic security value units, dynamically controlling the pricing strategy for said resource to enable dynamic adjustment of the amount of said payment of said electronic security value units by said component to access said resource (see col. 47, lines 21-30, 55-67; col. 48, lines 1-9); and allocating a budget for one of a component and a group of components to access said resources by said payment of said electronic security value units, wherein said step of selectively distributing said electronic security value units comprises selectively disturbing said electronic security value units in accordance with said budget; dynamically controlling said budget (see col. 265, lines 55-67; col. 266, lines 1-19).

9. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. in view of Glassman et al.

Ginter et al. disclose a resource manager for determining a pricing strategy in electronic security value units for a group of one or more resources in said system (see col. 47, lines 21-30, 55-67; col. 48, lines 1-9); wherein access to a particular resource in said group by said component is determined by said pricing strategy and requires an amount of payment by said component before said access is granted, wherein said payment consists of said electronic security value units previously distributed to said component (see col. 265, lines 55-67; col. 266, lines 1-19; col. 130, lines 39-43; col. 132, lines 11-16; col. 14, lines 49-67; col. 15, lines 1-9). Ginter et al. do not expressly disclose an electronic bank server for selectively distributing electronic security value units to a component in said system, said electronic security value units

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being unique to said group of one or more resources. Glassman et al. disclose an electronic bank server for selectively distributing electronic security value units to a component in said system, said electronic security value units being unique to said group of one or more resources (see col. 3, lines 59-65; col. 4, lines 47 and 48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Ginter et al. to include an electronic bank server for selectively distributing electronic security value units to a component in said system, said electronic security value units being unique to said group of one or more resources. One of ordinary skill in the art would have been motivated to do this because doing so secures the resources by preventing unauthorized users from accessing the resource (see col. 3, lines 50-66). That is, only individuals with the appropriate security value units can access the resource.

Referring to claim 29, Ginter et al. disclose the system wherein said interface comprises an application program interface (see col. 7, lines 37-44).

10. Claims 12 –14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman et al. in view of Ginter et al.

Referring to claims 12 and 13, Glassman et al. disclose selectively distributing a budget, in said security electronic security value units, to said component, said budget being an amount of said security electronic security value units; controlling access to said resource, based on said price and on an amount of payment from said component, wherein said payment is at least a portion of said budget distributed to said component (see col. 3, lines 63-65; col. 4, lines 47-48, 63-66; col. 5, lines 9-16), and determining the number of accesses that can be accomplished by said component to said resource based on said budget and said price (see col. 5, lines 30-33).

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Note. Glassman et al.'s security value unit (i.e. "scrip") has an expiration date, which determines the number of accesses that can be accomplished by said component. Glassman et al. do not expressly disclose establishing a price of said resource, wherein the price can be dynamically adjusted at any time. Ginter et al. disclose establishing a price of said resource, wherein the price can be dynamically adjusted at any time (see col.47, lines 21-30, 55-67; col. 48, lines 1-9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Glassman et al. to include the step of establishing a price, in said electronic security value units, of said resource, wherein the price can be dynamically adjusted at any time. One of ordinary skill in the art would have been motivated to do this because it is an essential transaction management step; that is, before controlling accesses to said resource based on said price the price must first be determined.

Referring to claim 14, Glassman et al. disclose said budget can be dynamically adjusted at anytime (see col. 3, lines 14-17).

Referring to claim 15, Glassman et al. disclose the method wherein said step of determining the number of accesses that can be accomplished by said component to each said resource of said group (see col. 5, lines 30-33). Note. Glassman et al.'s security value unit (i.e. "scrip") has an expiration date, which determines the number of accesses that can be accomplished by said component to each said resource of said group. Glassman et al. do not expressly disclose the method wherein said resource can comprise a group of resources each resource of said group having a respective price. Ginter et al. the method wherein said resource can comprise a group of resources each resource of said group having a respective price (see col. 30, lines 66-67; col. 31, lines 1-4). At the time the invention was made, it would have been

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obvious to a person of ordinary skill in the art to modify the method disclose by Glassman et al. to include the method wherein said resource can comprise a group of resources each resource of said group having a respective price. One of ordinary skill in the art would have been motivated to do this because it is an efficient method for monitoring resource usage and activity (see Ginter et al., col. 3, lines, 20-25)

Referring to claim 16, Glassman et al. disclose the method wherein said component can comprise a group of components, each component of said group having a respective budget, and wherein said step of determining further comprises the step of determining the number of accesses that can be accomplished by each said component of said group of components to said resource (see col. 5, lines 9-16, 30-33 48-56). Note. Glassman et al.'s security value unit (i.e. "scrip") has an expiration date, which determines the number of accesses that can be accomplished by said component to each said resource of said group.

Referring to claim 17, Glassman et al. disclose approving access to said resource if the security value units (i.e. "scrip") covers the requested resource (see col. 5, lines 13-44). Since Glassman et al.'s system approves component access to resource if the component has the require security value unit it can be infer that the system denies component access to said resources when said payment from said component is less than said price established for said resources. Therefore, the step of denying said component access is obvious.

Referring to claim 18, Glassman et al. disclose the step of controlling access is further based on limiting the number of accesses to said resource, by said component, regardless of the amount of said payment (see col. 5, lines 30-33).

Referring to claim 19, Glassman et al. disclose controlling access to said resource based on a price (see col. 3, lines 63-65; col. 4, lines 47-48, 63-66; col. 5, lines 9-14). Glassman et al. do not expressly disclose said price is particular to said component, such that said price is different for other components of said electronic system. Ginter et al. disclose said price is particular to said component, such that said price is different for other components of said electronic system (see col. 30, lines 66-67; col. 31, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the price disclose by Glassman et al. wherein said price is particular to said component, such that said price is different for other components of said electronic system. One of ordinary skill in the art would have been motivated to do this because it may provide discounts to senior citizens and students.

Referring to claim 20, Glassman et al. disclose a method for associating electronic security value units (see claim 12 above). Glassman et al. do not expressly disclose establishing a price is based on said budget and a limit on said number of accesses to said resource by said component. Ginter et al. disclose the method wherein said step of establishing a price is based on said budget and a limit on said number of accesses to said resource by said component (see col. 2, lines 14-20). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Glassman et al. to include the step of establishing a price is based on said budget and a limit on said number of accesses to said resource by said component. One of ordinary skill in the art would have been motivated to do this because it is an efficient method for monitoring resource usage and activity (see Ginter et al., col. 3, lines, 20-25)

Referring to claim 21, Glassman et al. disclose the method wherein said step of selectively distributing said budget is based on said price and a limit on said number of accesses to said resource by said component (see col. 3, lines 8-17; col. 4, lines 45-47, 63-64). Note. Glassman et al. do not explicitly disclose selectively distributing said budget is based on said price (price of resource) but does disclose a consumer exchanging broker scrips for vendor scrips; the consumer purchases the amount of scrip needed to access the resource, which is the process of distributing said budget based on said price.

Referring to claim 30, Glassman et al. disclose a method for associating electronic security value units (see claim 12 above). Glassman et al. do not expressly disclose the method wherein said resource comprises an application program interface, wherein said step of controlling access to said resource is performed at said application program interface. Ginter et al. disclose resource comprises an application program interface, wherein said step of controlling access to said resource is performed at said application program interface (see col. 7, lines 37-44). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Glassman et al. to include resource comprises an application program interface, wherein said step of controlling access to said resource is performed at said application program interface. One of ordinary skill in the art would have been motivated to do this because doing so secures the resources by preventing unauthorized users from access the resource (see Ginter et al., col. 3, lines 50-66).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. as applied to claim 1 above, and further in view of Glassman et al.

Ginter et al. disclose electronic security value units (see claim 1 above). Ginter et al. do not expressly disclose the units indirectly identify said component accessing said resource. Glassman et al. disclose the units indirectly identify said component accessing said resource (see col. 5, lines 9-29). Note. Glassman et al. teach a script that comprise of a customer ID field this field, the examiner presumes that this field may be use to indirectly identify said component accessing said resource. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to the method disclose by Ginter et al. to include the units indirectly identify said component accessing said resource. One of ordinary skill in the art would have been motivated to do this because doing so secures the resources by preventing unauthorized users from access the resource (see col. 3, lines 50-66).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 6032123 to Jameson discloses a method and apparatus for allocating, costing, and pricing organizational resources.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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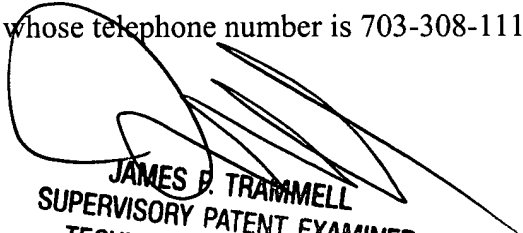
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications, 703-746-9443 for Non-Official/Draft and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

July 9, 2003


JAMES F. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600